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PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Letter dated 19 September 1996 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

I have the honour, as representative of the host country of the World Congress against Commercial Sexual Exploitation of Children, which was held at Stockholm from 27 to 31 August 1996, to transmit the text of the Declaration and Agenda for Action adopted by the Congress on 28 August 1996 (see annex). The Congress, to which all States Members of the United Nations were invited, was organized by the Government of Sweden in cooperation with the United Nations Children's Fund (UNICEF), End Child Prostitution in Asian Tourism (ECPAT) and the NGO Group for the Convention on the Rights of the Child. I wish to recall that the General Assembly on 21 December 1995 welcomed the convening of this Congress in its resolution 50/153 entitled "The rights of the child".

I should be grateful if you could have the text of the present letter and its annex circulated as a document of the General Assembly under agenda item 106.

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ANNEX

World Congress against Commercial Sexual Exploitation of Children

Declaration and Agenda for Action

Declaration

1. We, gathered in Stockholm for the World Congress against Commercial Sexual Exploitation of Children, representing the Governments of 122 countries, together with non-governmental organisations, the End Child Prostitution in Asian Tourism (ECPAT) campaign, UNICEF and other agencies within the family of the United Nations, and other concerned organisations and individuals worldwide, hereby commit ourselves to a global partnership against the commercial sexual exploitation of children.

The Challenge

2. Every day, more and more children around the world are subjected to sexual exploitation and sexual abuse. Concerted action is needed at the local, national, regional and international levels to bring an end to the phenomena.

3. Every child is entitled to full protection from all forms of sexual exploitation and sexual abuse. This is reaffirmed by the Convention on the Rights of the Child, an international legal instrument of universal significance (of which there are 187 States Parties). States are required to protect the child from sexual exploitation and sexual abuse and promote physical and psychological recovery and social reintegration of the child victim.

4. According to the Convention on the Rights of the Child, the best interests of the child shall be a primary consideration in all actions concerning children, and their rights are to be enjoyed without discrimination of any kind. In all matters affecting the child, the views of the child should be given due weight, in accordance with the age and maturity of the child.

5. The commercial sexual exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.

6. Poverty cannot be used as a justification for the commercial sexual exploitation of children, even though it contributes to an environment which may lead to such exploitation. A range of other complex contributing factors include economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, growing consumerism, urban-rural migration, gender discrimination, irresponsible male sexual behaviour, harmful traditional practices, armed conflicts and trafficking of children. All these factors exacerbate the vulnerability of girls and boys to those who would seek to procure them for commercial sexual exploitation.

7. Criminals and criminal networks take part in procuring and channeling vulnerable children toward commercial sexual exploitation and in perpetuating such exploitation. These criminal elements service the demand in the sex market created by customers, mainly men, who seek unlawful sexual gratification with children. Corruption and collusion, absence of and/or inadequate laws, lax law enforcement, and limited sensitisation of law enforcement personnel to the harmful impact on children, are all further factors which lead, directly or indirectly, to the commercial sexual exploitation of children. It may involve the acts of a single individual, or be organised on a small scale (eg. family and acquaintances) or a large scale (eg. criminal network).

8. A wide range of individuals and groups at all levels of society contribute to the exploitative practice. This includes intermediaries, family members, the business sector, service providers, customers, community leaders and government officials, all of whom may contribute to the exploitation through indifference, ignorance of the harmful consequences suffered by children, or the perpetuation of attitudes and values that view children as economic commodities.

9. The commercial sexual exploitation of children can result in serious, life-long, even life threatening consequences for the physical, psychological, spiritual, moral and social development of children, including the threat of early pregnancy, maternal mortality, injury, retarded development, physical disabilities and sexually transmitted diseases, including HIV/AIDS. Their right to enjoy childhood and to lead a productive, rewarding and dignified life is seriously compromised.

10. While laws, policies and programmes exist to counter the commercial sexual exploitation of children, greater political will, more effective implementation measures, and adequate allocation of resources are needed to give effect to the spirit and letter of these laws, policies and programmes.

11. The primary task of combatting the commercial sexual exploitation of children rests with the State and families. The civil society also has an essential role to play in preventing and protecting children from commercial sexual exploitation. It is imperative to build a strong partnership between Governments, international organisations and all sectors of society to counter such exploitation.

The Commitment

12. The World Congress reiterates its commitment to the rights of the child, bearing in mind the Convention on the Rights of the Child, and calls upon all States in cooperation with national and international organisations and civil society to:

- Accord high priority to action against the commercial sexual exploitation of children and allocate adequate resources for this purpose;

- Promote stronger cooperation between States and all sectors of society to prevent children from entering the sex trade and to strengthen the role of families in protecting children against commercial sexual exploitation;

- Criminalise the commercial sexual exploitation of children, as well as other forms of sexual exploitation of children, and condemn and penalise all those offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalised;

- Review and Revise, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children;

- Enforce laws, policies and programmes to protect children from commercial sexual exploitation and strengthen communication and cooperation between law enforcement authorities;

- Promote adoption, implementation and dissemination of laws, policies, and programmes supported by relevant regional, national and local mechanisms against the commercial sexual exploitation of children;

- Develop and Implement comprehensive gender-sensitive plans and programmes to prevent the commercial sexual exploitation of children, to protect and assist the child victims and to facilitate their recovery and reintegration into society;

- Create a climate through education, social mobilisation, and development activities to ensure that parents and others legally responsible for children are able to fulfill their rights, duties and responsibilities to protect children from commercial sexual exploitation;

- Mobilise political and other partners, national and international communities, including intergovernmental organisations and non-governmental organisations, to assist countries in eliminating the commercial sexual exploitation of children; and

- Enhance the role of popular participation, including that of children, in preventing and eliminating the commercial sexual exploitation of children.

13. The World Congress adopts this Declaration and Agenda for Action to assist in protecting child rights, particularly the implementation of the Convention on the Rights of the Child and other relevant instruments, to put an end to the commercial sexual exploitation of children worldwide.

Agenda for Action against Commercial Sexual Exploitation of Children

1. The Agenda for Action aims to highlight existing international commitments, to identify priorities for action and to assist in the implementation of relevant international instruments (see appendix). It calls for action from States, all sectors of society, and national, regional, and international organisations, against the commercial sexual exploitation of children.

2. **Coordination and Cooperation:**

i) **Local/National Levels**

a) urgently strengthen comprehensive, cross-sectoral and integrated strategies and measures, so that by the year 2000 there are national agenda(s) for action and indicators of progress, with set goals and time frame for implementation, targeted to reducing the number of children vulnerable to commercial sexual exploitation and nurturing an environment, attitudes and practices responsive to child rights;

b) urgently develop implementation and monitoring mechanism(s) or focal point(s) at the national and local levels, in cooperation with civil society, so that by the year 2000 there are data bases on children vulnerable to commercial sexual exploitation, and on their exploiters, with relevant research and special attention to disaggregating data by age, gender, ethnicity, indigenous status, circumstances influencing commercial sexual exploitation, and respect for confidentiality of the child victims especially in regard to public disclosures;

c) foster close interaction and cooperation between the government and non-government sectors to plan, implement and evaluate measures against the commercial sexual exploitation of children, coupled with campaigns to mobilise families and communities to protect children from commercial sexual exploitation, and with adequate allocation of resources;

ii) **Regional/International Levels**

d) promote better cooperation between countries and international organisations, including regional organisations, and other catalysts which have a key role in eliminating the commercial sexual exploitation of children, including the Committee on the Rights of the Child, UNICEF, ILO, UNESCO, UNDP, WHO, UNAIDS, UNHCR, IOM, the World Bank/IMF, INTERPOL, UN Crime Prevention and Criminal Justice Division, UNFPA, the World Tourism Organization, the UN High Commissioner for Human Rights, the UN Centre for Human Rights, the UN Commission on Human Rights and its Special Rapporteur on the Sale of Children, and the Working Group on Contemporary Forms of Slavery, each taking guidance from the Agenda for Action in their activities in accordance with their respective mandates;

e) advocate and mobilise support for child rights, and ensure that adequate resources are available to protect children from commercial sexual exploitation; and

f) press for full implementation of the Convention on the Rights of the Child by State Parties, including requirements for reporting to the Committee on the Rights of the Child in accordance with existing deadlines, and encourage follow-up of countries' progress towards full realisation of child rights in the context of other relevant United Nations organs, bodies and

mechanisms, including the UN Commission on Human Rights and its Special Rapporteur on the Sale of Children.

3. **Prevention:**

a) provide children with access to education as a means of improving their status and make primary education compulsory and available free to all;

b) improve access and provide relevant health services, education, training, recreation and a supportive environment to families and children vulnerable to commercial sexual exploitation, including those who are displaced, homeless, refugees, stateless, unregistered, in detention and/or in state institutions;

c) maximise education on child rights and incorporate, where appropriate, the Convention on the Rights of the Child into formal and non-formal education for all communities, families and children;

d) initiate gender-sensitive communication, media and information campaigns to raise awareness and educate government personnel and other members of the public about child rights and the illegality and harmful impact of the commercial sexual exploitation of children, and promote responsible sexual attitudes and behaviour in society, in keeping with the child's development, sense of dignity and self-esteem;

e) promote child rights in family education and family development assistance, including an understanding that both parents are equally responsible for their children, with special intervention to prevent sexual violence against children;

f) identify or establish peer education programmes and monitoring networks to counter the commercial sexual exploitation of children;

g) formulate or strengthen and implement gender-sensitive national social and economic policies and programmes to assist children vulnerable to commercial sexual exploitation, families and communities in resisting acts that lead to the commercial sexual exploitation of children, with special attention to family abuse, harmful traditional practices and their impact on girls, and to promoting the value of children as human beings rather than commodities; and reduce poverty by promoting gainful employment, income generation and other supports;

h) develop or strengthen, implement and publicise relevant laws, policies and programmes, to prevent the commercial sexual exploitation of children, bearing in mind the Convention on the Rights of the Child;

i) review laws, policies, programmes and practices which lead to or facilitate the commercial sexual exploitation of children and adopt effective reforms;

j) mobilise the business sector, including the tourism industry, against the use of its networks and establishments for the commercial sexual exploitation of children;

k) encourage media professionals to develop strategies which strengthen the role of the media in providing information of the highest quality, reliability and ethical standards concerning all aspects of commercial sexual exploitation of children; and

l) target those involved with commercial sexual exploitation of children with information, education and outreach campaigns and programmes to promote behavioural changes to counter the practice.

4. Protection:

a) develop or strengthen and implement laws, policies and programmes to protect children and to prohibit the commercial sexual exploitation of children, bearing in mind that the different types of perpetrators and ages and circumstances of victims require differing legal and programmatic responses;

b) develop or strengthen and implement national laws to establish the criminal responsibility of service providers, customers and intermediaries in child prostitution, child trafficking, child pornography, including possession of child pornography, and other unlawful sexual activity;

c) develop or strengthen and implement national laws, policies and programmes that protect child victims of commercial sexual exploitation from being penalised as criminals and ensure that they have full access to child-friendly personnel and support services in all sectors, and particularly in the legal, social and health fields;

d) in the case of sex tourism, develop or strengthen and implement laws to criminalise the acts of the nationals of the countries of origin when committed against children in the countries of destination ("extra-territorial criminal laws"); promote extradition and other arrangements to ensure that a person who exploits a child for sexual purposes in another country (the destination country) is prosecuted either in the country of origin or the destination country; strengthen laws and law enforcement, including confiscation and seizure of assets and profits, and other sanctions, against those who commit sexual crimes against children in destination countries; and share relevant data;

e) in the case of trafficking of children, develop and implement national laws, policies and programmes to protect children from being trafficked within or across borders and penalise the traffickers; in cross border situations, treat these children humanely under national immigration laws, and establish readmission agreements to ensure their safe return to their countries of origin accompanied by supportive services; and share relevant data;

f) identify and strengthen or establish networks between national and international law enforcement authorities, including INTERPOL, and civil society to monitor against the commercial sexual exploitation of children; set up special units among law enforcement personnel, with adequate resources and child-friendly facilities, to counter the commercial sexual exploitation of children; appoint liaison officers aimed at guaranteeing child rights in police investigations and judicial procedures for the exchange of key information; and train all law enforcement personnel on child development and child rights, in particular the Convention on the Rights of the Child, other relevant human rights standards and national legislation;

g) identify and encourage the establishment of national and international networks and coalitions among the civil society to protect children from commercial sexual exploitation; foster action and interaction among communities, families, non-governmental organisations, the business sector, including tourist agencies, the World Tourism Organization, employers and trade unions, computer and technology industry, the mass media, professional associations, and service providers to monitor and report cases to the authorities, and to adopt voluntary ethical codes of conduct; and

h) create safe havens for children escaping from commercial sexual exploitation, and protect those who provide assistance to child victims of commercial sexual exploitation from intimidation and harassment.

5. Recovery and Reintegration:

a) adopt a non-punitive approach to child victims of commercial sexual exploitation in keeping with the rights of the child, taking particular care that judicial procedures do not aggravate the trauma already experienced by the child and that the response of the system be coupled with legal aid assistance, where appropriate, and provision of judicial remedies to the child victims;

b) provide social, medical, psychological counselling and other support to child victims of commercial sexual exploitation, and their families, paying particular attention to those with sexually transmitted diseases, including HIV/AIDS, and with a view to promoting the self-respect, dignity and rights of the child;

c) undertake gender-sensitive training of medical personnel, teachers, social workers, non-governmental organisations and others working to help child victims of commercial sexual exploitation on child development and child rights, bearing in mind the Convention on the Rights of the Child and other relevant human rights standards;

d) take effective action to prevent and remove societal stigmatisation of child victims and their children; facilitate the recovery and reintegration of child victims in communities and families; and where institutionalisation of the child is necessary, ensure that it is for the shortest possible period in accordance with the child's best interests;

e) promote alternative means of livelihood with adequate support services to child victims and their families so as to prevent further commercial sexual exploitation; and

f) adopt not only legal sanctions against the perpetrators of sexual crimes against children, but also socio-medical and psychological measures to create behavioural changes on the part of the perpetrators.

6. Child Participation:

a) promote the participation of children, including child victims, young people, their families, peers and others who are potential helpers of children so that they are able to express their views and to take action to prevent and protect children from commercial sexual exploitation and to assist child victims to be reintegrated into society; and

b) identify or establish and support networks of children and young people as advocates of child rights, and include children, according to their evolving capacity, in developing and implementing government and other programmes concerning them.

Appendix

The Agenda for Action refers to many international instruments, recommendations and targets which have bearing on children and their families. They include the following:

- the 1930 ILO Convention No. 29 concerning Forced or Compulsory Labour
- the 1948 Universal Declaration of Human Rights;
- the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- the 1957 ILO Convention No. 105 concerning the Abolition of Forced Labour;
- the 1966 International Covenant on Civil and Political Rights;
- the 1966 International Covenant on Economic, Social and Cultural Rights;
- the 1973 ILO Convention No. 138 concerning Minimum Age for Admission to Employment;
- the 1979 Convention on the Elimination of All Forms of Discrimination against Women;
- the 1989 Convention on the Rights of the Child;
- the 1990 World Declaration on the Survival, Protection and Development of Children and its Plan of Action;
- the 1992 Programme of Action of the United Nations Commission on Human Rights for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;
- the 1993 Vienna Declaration and Programme of Action of the World Conference on Human Rights;
- the 1993 United Nations Declaration on the Elimination of Violence against Women;
- the 1994 Cairo Declaration and Programme of Action of the World Conference on Population and Development;
- the 1995 Copenhagen Declaration and Plan of Action of the World Summit on Social Development;
- the 1995 Beijing Declaration and Platform for Action of the Fourth World Conference on Women;
- the 1996 Programme of Action of the United Nations Commission on Human Rights for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others.

The Agenda for Action takes note of the recommendations of the Committee on the Rights of the Child and the Special Rapporteur on the Sale of Children. It acknowledges the initiatives of many international and regional organisations, including INTERPOL, World Tourism Organization (in particular, the 1995 World Tourism Organization Statement on the Prevention of Organised Sex Tourism) and the Council of Europe (in particular, the 1991 Recommendation No. R91 11 concerning Sexual Exploitation, Pornography and Prostitution of, and Trafficking in, Children and Young Adults). It also recognises the process of evolving a possible Optional Protocol on the sale of children, child prostitution and child pornography.